

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HICHAM AZKOUR,

Plaintiff,

-against-

BOWERY RESIDENTS COMMITTEE, INC.;
LAWRENCE a/k/a MUZZY ROSENBLATT;
JANET FORTE; KEVIN MARTIN; TEREEN
LLEWELYN-MILLER, ANGELA KEDZIOR;
JOHN DOE 1-5; JANE DOE 1-5,

Defendants.
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ORDER OF SERVICE

13 Civ. 5878 (TPG)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/8/13

THOMAS P. GRIESA, United States District Judge:

Plaintiff, appearing *pro se*, brings this action, pursuant to 42 U.S.C. §§ 1981, 1983, 1986, and 3613, alleging that Defendants are discriminating and retaliating against him on the basis of his race, color, and national origin. Plaintiff sues the Bowery Residents Committee, Inc., Lawrence a/k/a Muzzy Rosenblatt, Janet Forte, Kevin Martin, Tereen Llewelyn-Miller, Angela Kedzior, and ten John/Jane Doe Defendants. By order dated October 9, 2013, the Court granted Plaintiff's request to proceed *in forma pauperis*.

JOHN/JANE DOE DEFENDANTS

Under *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. *Id.* at 76. In the complaint, Plaintiff supplies sufficient information to permit the Bowery Residents Committee, Inc., to identify the John/Jane Doe Defendants. It is therefore ordered that the Bowery Residents Committee, Inc., shall ascertain the identity of the John/Jane Doe Defendants whom Plaintiff seeks to sue here and the addresses where these Defendants may be served. The Bowery Residents Committee, Inc., shall provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John/Jane Doe Defendants. The amended complaint will replace, not supplement, the original complaint. An Amended Complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Clerk of Court will, if necessary, send instructions to Plaintiff to effect service on the named John/Jane Doe Defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure.

CONCLUSION

To allow Plaintiff, who is proceeding *in forma pauperis*, to effect service on the Bowery Residents Committee, Inc., Lawrence a/k/a Muzzy Rosenblatt, Janet Forte, Kevin Martin, Tereen Llewelyn-Miller, and Angela Kedzior through the U.S. Marshals Service, the Clerk of Court is instructed to send Plaintiff one U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. Within thirty days of the date of this order, Plaintiff must complete a USM-285 form for these Defendants and return these forms to the Court.

If Plaintiff does not wish to use the Marshals Service to effect service, he must notify the Court in writing within thirty days of the date of this order and request that a summons be issued directly to him. If within thirty days, Plaintiff has not returned the USM-285 forms or requested a summons, under Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute.

Upon receipt of the completed USM-285 forms, the Clerk of Court shall issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon the Bowery Residents Committee, Inc., Lawrence a/k/a Muzzy Rosenblatt, Janet Forte, Kevin Martin, Tereen Llewelyn-Miller, and Angela Kedzior.

No matter what method of service Plaintiff chooses, he must effect service within 120 days of the date the summons is issued. It is Plaintiff’s responsibility to inquire of the Marshals Service as to whether service has been made and if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). If within 120 days of issuance


of the summons, Plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute. Finally, it is Plaintiff's obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

The Clerk of Court shall serve a copy of this Order and the Complaint on the Bowery Residents Committee, Inc., at: 125 West 25th Street, 12th Floor, New York, New York 10001.

An Amended Complaint form is attached to this order.

Dated: 11/8/13
New York, New York

SO ORDERED:


THOMAS P. GRIESA
United States District Judge